

**Federal Defenders
OF NEW YORK, INC .**

David E. Patton
*Executive Director
and Attorney-in-Chief*

VIA ECF & EMAIL

The Honorable Philip M. Halpern
United States District Judge
Southern District of New York
300 Quarropas Street,
White Plains, NY 10601

Re: *United States v. Travis*

Dear Honorable Judge Halpern:

Application granted in part and denied in part.

Defendant's request for bail modification with respect to permitting travel to Emerson, NJ is granted. Defendant is permitted to travel to Emerson, NJ for the purpose of purchasing a school uniform. Defendant's request for bail modification with respect to permitting use of medical marijuana is denied.

Defendant's request for an adjournment of the 8/30/23 status conference is granted. The 8/30/23 status conference shall be adjourned to 11/30/23 at 2:30 p.m. in Courtroom 520. The Government is directed to submit, by 8/17/23, a proposed Order excluding time under the Speedy Trial Act through the date of the next status conference.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
August 16, 2023

I write on behalf of my client for two reasons. First, to request two modifications of his bail conditions; and second to request a 60-day adjournment of the upcoming status conference scheduled before Your Honor on August 30, 2023, at 11 a.m.

By way of background, Mr. Parker made his initial appearance on May 19, 2023, before the Honorable Andrew Krause and was released on an unsecured appearance bond in the amount of \$150,000 co-signed by two financially responsible people. He was last before Your Honor on May 30, 2023, for his initial conference.

I. Bail Modification Requests

Mr. Parker requests two bail modifications: 1) that he be permitted to travel to Emmerson, New Jersey to purchase a school uniform for his son; and 2) to permit him to use medical marijuana as prescribed by his treating physician.

A. Permission to Travel

With regard to the first modification request, Mr. Parker's son is about to start school and requires a school uniform. As Mr. Parker lives on the boarder of New York and New Jersey, the school contracts with a specific store in Emmerson, New Jersey which is not far from his home. He is requesting permission to travel to this store to purchase his son's uniform.

I have contacted the Government, through Assistant United States Attorney Timothy Ly, who does not object to this request. Mr. Parker's Pre-trial Officer, Andrew Abbott, also has no objection to this request and asks that if the request is granted, Mr. Parker provide verification of his purchase via receipt following the travel.

B. Permission to Use Medical Marijuana

With regard to the second modification request, Mr. Parker was injured in a work-related accident in 2016. Since that time, he has suffered from shoulder and back pain and has been under the care of doctor for pain management. He has been prescribed Percocet since that time, but due to the addictive nature of that medication, he had been working to taper himself off Percocet with the assistance of marijuana prior to his federal arrest. In addition, in recent months there have been supply chain issues which have caused delays in filling his Percocet prescription. Since his arrest on federal charges, he has acquired a medical marijuana prescription, a copy of which is attached. His hope is that he can migrate his pain medication regimen from the more highly addictive and harder to acquire, Percocet, to a less addictive and more easily acquired, marijuana. Based on this information, Mr. Parker respectfully requests that his conditions be modified to permit him to use medical marijuana as prescribed and under the care of his treating physician.

I have again consulted with the Government through AUSA Timothy Ly. The Government opposes the modification for medical marijuana as that substance is still illegal under law, but recognizes that at least under New York State Law, use of medical marijuana is legal. I have also consulted Mr. Parker's Pre-Trial Services Officer, Andrew Abbot, who noted that his office's position is that marijuana is illegal under federal law, but if the Court permitted the modification, Pre-Trial would request that drug testing and treatment remain in place as conditions of release. The Government agreed that should the condition be modified, testing and treatment conditions should remain in place.

II. Request for an Adjournment

Finally, Mr. Parker requests a 60-day adjournment of the status conference currently scheduled for August 30, 2023, at 11 a.m.

Since the initial conference before Your Honor, discovery has been produced and provided to Mr. Parker. I have had an opportunity to meet with him and discuss it. I have begun discussions with the government regarding a potential plea resolution. The parties require additional time to continue to those discussions to see whether a plea resolution would be possible to avoid the need for a trial. I believe that a 60-day adjournment would permit the parties to continue those discussion and possible reach a plea resolution.

I have discussed this request with AUSA Timothy Ly who does not oppose the request but asks that the time between now and the next court date, which, if this request were granted, would be in approximately 60 days, be excluded under the calculation of time under the Speedy Trial Act. I do not oppose the exclusion of time under 18 U.S.C. § 3161(h)(7)(A) as the ends of justice served by taking this action outweigh the best interest of the public and Mr. Parker in a speedy trial, as it would permit the parties to continue discussion and possibly reach a resolution in this matter. Further, it is respectfully submitted that the failure to grant this request would deny the parties reasonable time needed for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

Therefore, Mr. Parker request first that his bail conditions be modified to permit him to travel to New Jersey to purchase his son's school uniform and to allow him to use medical marijuana as prescribed by his treating physician; and second, that the status conference scheduled for August 30, 2023, be adjourned for approximately 60 days. Thank you for your time and consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elizabeth K. Quinn", written over a horizontal line.

Elizabeth K. Quinn
Assistant Federal Defender
Counsel for Travis Parker

Attachment

cc: Timothy Ly, AUSA
Andrew Abbott, PTO